No. 9600238

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

John Bodger & Sons Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED, PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

VINCA

'Heat Wave Pink'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this thirtieth day of July in the year of our Lord one thousand nine hundred and ninety-nine.

Attest:

Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

REPRODUCE LOCALLY. *Include form number and edition date on all reproductions.* OMB APPROVED NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE DIVISION

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(INSTRUCTIONS ON REVERSE)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)
John Bodger & Sons Company

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.
R033-0

3. VARIETY NAME
Heat Wave Pink

4. ADDRESS (street and no. or R.F.D. no., city, state, ZIP, and country)
1800 North Tyler Avenue
South El Monte, CA 91733

5. PHONE (include area code)
818-442-6161

6. FAX (include area code)
818-442-4100

FOR OFFICIAL USE ONLY

PVPO NUMBER
9600238

FILING
DATE: April 24, 1996
TIME: ☐ AM ☐ PM

FEES RECEIVED
Filing and Examination Fee: $ 2450.00
Date: APRIL 24, 1996
Certificate Fee: $ 300.00
Date: July 23, 1999

7. GENUS AND SPECIES NAME
Catharanthus roseus

8. FAMILY NAME *(Botanical)*
Apocynaceae

9. CROP KIND NAME *(Common Name)*
Vinca

10. IF THE APPLICANT NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)
Corporation

11. IF INCORPORATED, GIVE STATE OF INCORPORATION
California

12. DATE OF INCORPORATION
February 7, 1912

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS.
Mr. Kim Bodger
1800 North Tyler Avenue
South El Monte, CA 91733

PHONE (include area code): 818-442-6161
FAX (include area code): 818-442-4100

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(Follow INSTRUCTIONS on reverse)*
- a. ☑ Exhibit A. Origin and Breeding History of the Variety
- b. ☑ Exhibit B. Statement of Distinctness
- c. ☑ Exhibit C. Objective Description of the Variety
- d. ☐ Exhibit D. Additional Description of the Variety
- e. ☑ Exhibit E. Statement of the Basis of the Applicant's Ownership
- f. ☑ Voucher Sample (2,500 viable untreated seeds or for tuber propagated varieties verification that tissue culture will be deposited and maintained in a public repository)
- g. ☑ Filing and Examination Fee as prescribed in 97.175 of the regulations, made payable to "Treasurer of the United States" (Mail to PVPO)

YES 4/23

15. DOES THE APPLICANT SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY, AS A CLASS OF CERTIFIED SEED? *(See Section 83(a) of the Plant Variety Protection Act)?*
☐ YES (If "yes", answer items 16 and 17 below) ☑ NO (If "no", skip to item 18 below)

16. DOES THE APPLICANT SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☐ YES ☑ NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

18. HAS THE VARIETY OR A HYBRID PRODUCED FROM THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
☑ YES (If "yes", give names of countries and dates) ☐ NO
U.S.A. April 27, 1995

19. The applicant(s) declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT (Owner(s)) | CAPACITY OR TITLE: 1st Vice President | DATE: 4/23/96

NAME (Please Print or Type)

SIGNATURE OF APPLICANT (Owner(s)) | CAPACITY OR TITLE | DATE

NAME (Please Print or Type)

14b. Exhibit A
Origin and Breeding History
R033-0 Heat Wave Pink

Heat Wave Pink was derived from a single plant selection from an F1 cross in 1989 between the commercial varieties Pretty in Pink and Parasol. Five subsequent generations of single plant selections were self-pollinated at which time the line appeared stable for all traits selected for. Seed was harvested from a 16 plant sib selected from this last generation which was the basis for a 200 plant stock seed increase. This seed was used for the first crop with an acreage of 0.75 acres.

SMS 2/16/99

The basis for selection at each generation of inbreeding were for a light pink flower with a distinctive ring, earliness, compact habit with maximum basal breaks and acceptable garden performance. Selection pressure for yield was extremely important in the later generations.

Heat Pink was uniform for all selected traits at the F4 generation. Subsequent generations have been uniform and stable for all traits. The first 0.75 acre crop was stable and free from variants. Heat Wave Pink has remained stable and free of variants in all subsequent crops.

14b. Exhibit B
Novelty Statement
R033-0 Heat Wave Pink

Heat Wave Pink is most similar to the commercial variety Icy Pink Cooler. Both varieties have a light pink flower with a distinctive darker pink ring. Heat Wave Pink is easily distinguished by its flower pigmentation, ring size, leaf shape and earliness.

Heat Wave Pink has a darker pigmentation than Icy Pink Cooler and it's deep pink ring is more then twice the width of the ring of Icy Pink Cooler (see flower comparison photo). Heat Wave Pink has elliptic shaped leaves and Icy Pink Cooler has very broad ~~ovate~~ elliptic leaves (see leaf comparison photo). Also Heat Wave Pink flowers 1 week earlier than Icy Pink Cooler.

JMS 2/16/99

(Flower Comparison Photo)

Addendum to Exhibit B
Statement of Distinctness
Application No. 9600238
R033-0 Heat Wave Pink

Additional data for days to flower was requested. The initial earliness data was collected under short day low light conditions when earliness differences are very distinct. Three additional sowings were done including high light and long days conditions to confirm Heat Wave Pinks's flowering times compared to Icy Pink Cooler. Under a variety of conditions Heat Wave Peppermint flowers an average of 5 days sooner than Peppermint Cooler.

Sowings	Heat Wave Pink	Icy Pink Cooler
3/4/97	52	55
2/11/98	53	57
5/26/98	51	58
Average	52	57

Note:
Days to 50% plants in flower
Population size 32 plants

Additional data for flower measurements was requested:

Heat Wave Pink	Diameter	Ring Width	Petal Width	Petal Length
Population 1	52.5	20.7	31.9	26.3
Population 2	55.3	23.1	33.7	27.4
Population 3	43.3	17.4	26.9	21.7
Average (mm)	50.4	20.4	30.8	25.1

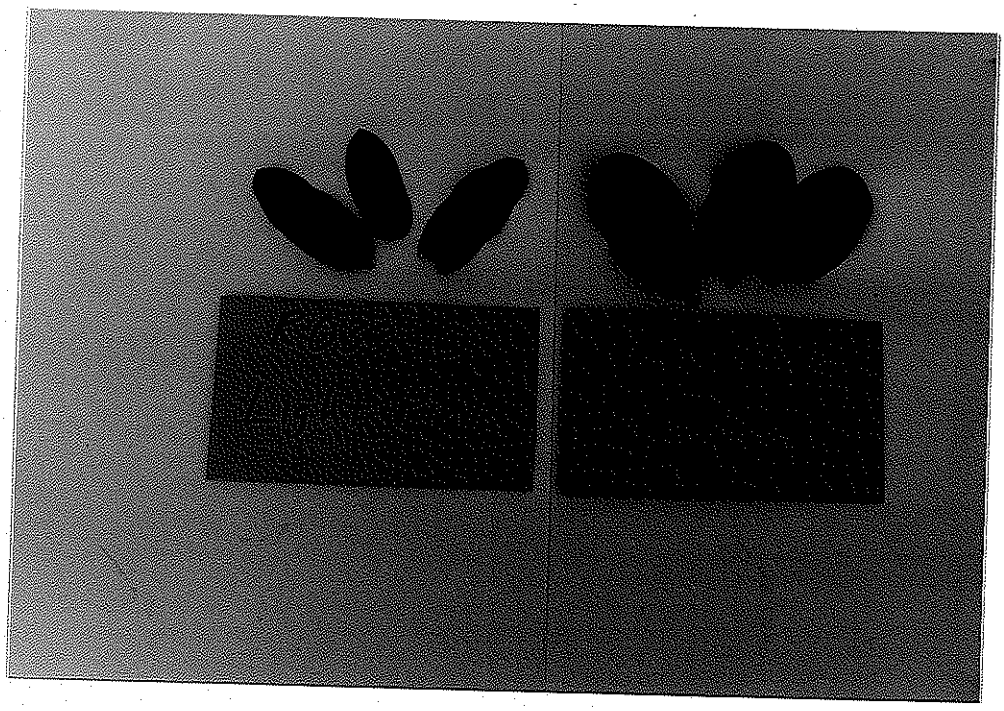
Icy Pink Cooler	Diameter	Ring Width	Petal Width	Petal Length
Population 1	52.2	10.2	33.2	26.3
Population 2	54.1	18.4	29.1	27.0
Population 3	49.3	16.9	30.0	24.1
Average (mm)	51.9	15.2	30.8	25.8

Note:
population size 20 plants

The leaf shape for Icy Pink Cooler was incorrectly reported on Exhibit C. The leaf shape for Icy Pink Cooler is Elliptic not Ovate.

14b. Exhibit B
Novelty Statement
R033-0 Heat Wave Pink

(Leaf Comparison Photo)



FORM GR-470-28
(4-16-92)

EXHIBIT C
(Vinca)

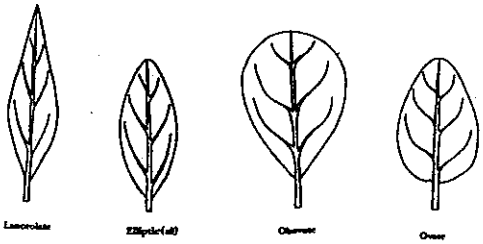
United States Department of Agriculture, Agricultural Marketing Service
Science Division, Plant Variety Protection Office
National Agricultural Library Building, Room 500
Beltsville, MD 20705

OBJECTIVE DESCRIPTION OF VARIETY
VINCA (Catharanthus)

Name of Applicant(s)	Variety Name or Temporary Designation
John Bodger & Sons	R033-0 Heatwave Pink
Address (Street & No., or R.F.D. No., City, State, Zip Code and Country)	FOR OFFICIAL USE ! PVPO Number 9600238
1800 N. Tyler Avenue El Monte, CA 91733	

Place the appropriate number that describes the varietal characters typical of this variety in the spaces below. Right justify whole numbers by adding leading zeros if necessary. Completeness should be striven for to establish an adequate variety description.

	Application Variety Data	Comparison Variety Data
1. OVERALL PLANT HABIT:		
	Data Collection Site: Lompoc, CA	Comparison Variety: Icy Pink Cooler
1	Species : 1=roseus 2=Other	1
2	Ploidy : 1=Haploid 2=Diploid 3=Triploid 4=Tetraploid	2
1	Life Cycle : 1=Annual 2=Biennial 3=Perennial	1
3	Growth Habit : 1=Determinant 2=Semi-determinant 3=Indeterminant	3
2	Growth Form : 1=Upright 2=Semi-prostrate 3=Prostrate	2
5	Flowering Season : 1=Very Early 2=Early 3=Mid Season 4=Late 5=Continuous	5
62	Days from Planting to First-flowering	69 days
___	Length of Flowering Season in Days	___ days
43.8	cm Plant Width at Maturity	49.4 cm
36.7	cm Plant Height at Maturity	36.4 cm
2	Plant Height Class : 1=Extra Dwarf 2=Dwarf 3=Semi-dwarf 4=Tall	2
2. STEM:		
1	Appearance : 1=Straight 2=Zig-zag	1
3	Branching Pattern : 1=Single stem 2=Few branches 3=Many Branches	3
0	Number of Internodes below First Branch	0
2	Number of First Order Branches	2
1	Main Stalk Anthocyanin : 1=Absent 2=Mild 3=Strong	1
3. FOLIAGE:		
1	Leaf Type : 1=Simple 2=Compound	1
1	Leaf Margin : 1=Entire 2=Serrate 3=Other	1
1	Fragrance : 1=None 2=Mild 3=Strong	1
2	Leaf/Leaflet Shape : 1=Lanceolate 2=Elliptic 3=Obovate 4=Ovate	~~4~~ 2 JMS 2/16/99
30.9	mm Leaf Width	46.1 mm
79.3	mm Leaf Length	86.1 mm
___.__	mm Leaflet Length	___.__ mm



Application Variety Data	Page 2	Comparison Variety Data
3a. FOLIAGE (continued):		
LEAF DORSAL SIDE:		
2 Color : 1=Light Green 2=Medium Green 3=Dark Green 4=Other _____		2
1 Pubescence : 1=Absent 2=Light 3=Heavy		1
2 Luster : 1=Dull 2=Shiny		2
LEAF VENTRAL SIDE:		
1 Color : 1=Light Green 2=Medium Green 3=Dark Green 4=Other _____		1
1 Pubescence : 1=Absent 2=Light 3=Heavy		1
1 Luster : 1=Dull 2=Shiny		1
4. FLOWER:		
1 Type : 1=Single 2=Semi-double 3=Double		1
1 Form : 1=Flat 2=Cupped 3=Other _____		1
1 Shape : 1=Round (petals overlap) 2=Intermediate 3=Star (petals gapped)		1
1 Fragrance : 1=None 2=Mild 3=Strong		1
51.5 mm Flower Diameter		54.9 mm
4.0 mm Orifice Size (including the opening of the corolla tube)		9.0 mm
9.0 mm Ring Width (from outside orifice to edge of color band)		4.0 mm
30.1 mm Petal Width (at widest point)		30.7 mm
26.1 mm Petal Length (from ring to outer edge)		28.2 mm
Yellow R.H.S. CC. 8C Orifice Color (Name and Color Chart Code)		Yellow R.H.S. CC. 8C
Deep Pink R.H.S. CC. 63B Ring Color (Name and Color Chart Code)		Pink R.H.S. CC. 55B
Pink R.H.S. CC. 63D Petal Color (Name and Color Chart Code)		Light Pink R.H.S. CC. 56D
1 Pedicel Anthocyanin : 1=Absent 2=Mild 3=Strong		1
5. SEEDS (Measure mature (dry) seeds):		
5 Seed Set : 1=None 2=Poor 3=Fair 4=Good 5=Excellent		3
4 Seed Coat Color : 1=White 2=Tan 3=Brown 4=Black 5=Other _____		4
1280.0 mg Weight per 1000 Seeds		1660.0 mg
6. RESISTANCE (Rate from 1 (most susceptible) to 9 (most resistant)):		
Rating Disease/Insect Name (give race or strain, if known)		Rating Disease/Insect Name
— _____		— _____
— _____		— _____
— _____		— _____
— _____		— _____
8. COMMENTS :		

REPRODUCE LOCALLY. *Include form number and date on all reproductions.* FORM APPROVED - OMB NO. 0581-0055 EXPIRES: 12-31-96

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY DIVISION - PLANT VARIETY PROTECTION OFFICE

EXHIBIT E
STATEMENT OF THE BASIS OF OWNERSHIP

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S)	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER	3. VARIETY NAME
John Bodger & Sons Company	R033-0	Vinca Heat Wave Pink

4. ADDRESS *(Street and No., or R.F.D. No., City, State, and ZIP Code, and Country)*	5. TELEPHONE *(include area code)*	6. FAX *(include area code)*
1800 N. Tyler Ave. South El Monte, CA 91733	626/442-6161	626/442-4100

7. PVPO NUMBER
9600238

8. Does the applicant own all rights to the variety? *Mark an "X" in appropriate block.* If no, please explain. [X] YES [ ] NO

9. Is the applicant (individual or company) a U.S. national or U.S. based company?
If no, give name of country _____ [X] YES [ ] NO

10. Is the applicant the original breeder? If no, please answer the following: [X] YES [ ] NO

a. If original rights to variety were owned by individual(s):
Is (are) the original breeder(s) a U.S. national(s)? If no, give name of country _____

[ ] YES [ ] NO

b. If original rights to variety were owned by a company:
Is the original breeder(s) U.S. based company? If no, give name of country _____

11. Additional explantion on ownership *(If needed, use reverse for extra space):*

The breeder of this variety is Michael Heffner, who is a citizen of the USA. All breeding work on this variety was done while the breeder was an employee of John Bodger & Sons Company, on company property using company resources. All breeding work was done in California.

PLEASE NOTE:

(over)

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.

2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.

3. If the applicant is an owner who is not the original breeder, both the original breeder and the applicant must meet one of the above criteria.

The original breeder may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

Question 11, continued:

The breeder retains no ownership or any other rights to the variety. The basis for John Bodger & Sons Company's ownership of this variety is California Labor Code Section 2860 which states: "Everything which an employee acquires by virtue of his employment, except the compensation which is due to him from his employer, belongs to the employer, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment."

EXHIBIT 14E

R033-0 - VINCA HEAT WAVE PINK

Statement of basis of Applicant's ownership

Vinca Heat Wave Pink was bred in Lompoc, California at the Research Headquarters of John Bodger & Sons Company. It is owned by John Bodger & Sons Company and was developed by Michael Heffner, an employee of the company.